

FEDERAL PUBLIC DEFENDER

NORTHERN DISTRICT OF CALIFORNIA
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September 5, 2007

VIA FACSIMILE (510) 637-3327
Magistrate Judge Wayne D. Brazil
1301 Clay Street, Courtroom No. 4
Oakland, CA 94612

United States v. Jay Miller, CR 07-70391 WDB

RE: Request to continue court date from 9/18 to 9/28 for status

Dear Judge Brazil:

I am writing to ask that the above-referenced case be continued from September 18, 2007, to September 28, 2007, for status regarding the Rule 5 transfer. I am still discussing the case with the Assistant United States Attorney in New Hampshire and am waiting for her to send me a plea agreement as well as the Rule 5 papers for Mr. Miller to sign. We have been exchanging e-mails but I do not yet have the documents which are needed for us to proceed in this district. Once we work out the final terms of the plea agreement and Mr. Miller signs the request to transfer papers, the clerk in New Hampshire will send the file to this district and transfer the case. Given the fact that we are still waiting for the prosecutor in New Hampshire to send the documents, it would be more efficient to continue tomorrow's court appearance to September 28, 2007.

Mr. Miller is aware that he has a right to require that the case proceed in accordance with various deadlines under the Speedy Trial Act. He is willing to waive the timing of any hearings and exclude time under the Speedy Trial Act for effective preparation of counsel taking into account due diligence.

I have left a message for AUSA Stephen Corrigan but am unaware of whether he objects to the proposed continuance to September 28, 2007.

Sincerely,

BARRY J. PORTMAN
Federal Public Defender

/S/
JOYCE LEAVITT
Assistant Federal Public Defender

cc: Stephen Corrigan, AUSA